

Appl. No. 10/071,673
Reply to Examiner's Action dated 11/01/2005

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-25 in the application. In a previous response, the Applicants amended Claims 1-10, 12-14, 17-18 and 20-25. In the present response, the Applicants have amended Claims 1, 10-11, 21 and 25, canceled Claims 13-20 without prejudice or disclaimer and added Claims 26-33. Support for the amended and added Claims can be found in the original specification in paragraphs 8, 32-34, 39, 44-53 and 62-66. Presently, no other claims have been canceled, amended or added. Accordingly, Claims 1-12 and 21-33 are currently pending in the application.

I. Rejection of Claims 1, 2, 5, 13, 15 and 17 under 35 U.S.C. §103

The Examiner has rejected Claims 1, 2, 5, 13, 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,315,638 to Mukari in view of U.S. Patent No. 6,138,009 to Birgeron. Claims 13, 15 and 17 have been canceled in the present response without prejudice or disclaimer. Accordingly, the above rejection of these Claims is moot. Regarding amended independent Claim 1, the cited combination of Mukari and Birgeron does not teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of a mobile phone, wherein run-time software of the mobile phone employs the user interface data to tailor the mobile phone for a specific market and the downloading is independent of activation of the mobile phone.

Mukari relates to programming installation data in a mobile telephone (*see* column 1, lines 13-15 of Mukari) and has been cited to teach an interface unit of a mobile phone. As recognized by

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the Examiner, however, Mukari is silent on user interface data configured to provide an interface for a user of a mobile phone. (See Examiner's Action, page 2.) Accordingly, Mukari does not teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of a mobile phone and before activation thereof as recited in amended Claim 1.

To teach user interface data configured to provide an interface for a user of a mobile phone, the Examiner cites Birgeron. (See Examiner's Action, pages 2-3.) Birgeron relates to customizing wireless, generic communication units. (See column 1, lines 6-9.) Birgeron, however, does not teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of a mobile phone wherein the downloading is independent of activation of the mobile phone as recited in amended independent Claim 1. On the contrary, Birgeron teaches that once a cellular telephone is activated, then a connection can be established to a base station for a download of software that provides customized basic functionality. (See column 7, lines 11-54 Figure 9.) Thus, Birgeron discloses that data for customizing the cellular telephone is downloaded after the cellular telephone is activated. Downloading of the data, therefore, is dependent of activation of the cellular telephone. Accordingly, the cited combination of Birgeron and Mukari does not teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of a mobile phone and independent of activation thereof as recited in amended independent Claim 1.

Since the cited combination of Mukari and Birgeron, individually or in combination, does not teach or suggest each element of amended independent Claim 1, the cited combination fails

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provide a *prima facie* case of obviousness of Claim 1 and Claims dependent thereon. Claims 1, 2 and 5, therefore, are not obvious in view of the cited combination. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1, 2 and 5 and allow issuance thereof.

Regarding dependent Claim 5, the Examiner cites Birgeron teaches the production environment is a mobile phone manufacturer. (See Examiner's Action, page 4 citing column 6, lines 63-65 of Birgeron.) This cited section of Birgeron, however, only teaches that a manufacturer does not have to bother about the destination of cellular telephones since the cellular telephones are generic. (See column 6, lines 63-65.) No teaching or suggestion is provided that the manufacturer has a data source wherein user interface data is downloaded from to these generic mobile phones. The Examiner, therefore, has not provides a *prima facie* case of obviousness for the subject matter of Claim 5 and analogously, Claim 17.

Furthermore, the cited combination of Mukari and Birgeron also does not teach or suggest each element of new independent Claim 27 since, as argued above, the cited combination does not teach or suggest downloading user interface data from an external data source to a mobile phone independent of activation thereof.

II. Rejection of Claims 3-4, 6-12, 14, 16 and 18-20 under 35 U.S.C. §103

As stated above, Claims 14, 16 and 18-20 have been canceled without prejudice or disclaimer. As such, the rejection of these Claims is now moot. Regarding the pending Claims, the Examiner has rejected Claims 3-4 and 6-12 under 35 U.S.C. §103(a) as being unpatentable

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over Mukari in view of Birgeron and in further view of: U.S. Patent Application Publication No. 2001/0012281 by Hall, *et al.*, for Claims 3 and 11; U.S. Patent No. 5,086,513 to Lawrence, *et al.*, for Claims 4; U.S. Patent No. 6,301,626 to Knox for Claim 6; U.S. Patent No. 6,393,274 to Peltonen for Claims 7 and 12; U.S. Patent No. 5,410,326 to Goldstein for Claim 8; U.S. Patent No. 5,887,254 to Halonen and U.S. Patent No. 6,018,654 to Valentine, *et al.*, for Claim 9; and U.S. Patent Application Publication No. 2001/0041568 by Hughes, *et al.*, for Claim 10.

The Examiner has not cited the above patents or publication (references) to cure the above deficiency of Mukari and Birgeron but to teach the subject matter of specific dependent claims. Furthermore, the Applicants do not find where the cited references teach or suggest a mobile phone including an interface unit configured to download user interface data from an external data source in a production environment after a manufacturing phase of the mobile phone and independent of activation of the mobile phone as recited in amended independent Claim 1. Thus, the cited combinations do not teach or suggest each element of independent Claim 1 Claims dependent thereon.

Since the cited combinations fail to teach or suggest each element of independent Claim 1, the cited combinations do not provide a *prima facie* case of obviousness of Claim 1 and Claims dependent thereon. Accordingly dependent Claims 3-4 and 6-12 are not unpatentable in view of the cited combinations and the Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance thereof.

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III. Rejection of Claims 21-22 under 35 U.S.C. §103

The Examiner rejected Claims 21-22 under 35 U.S.C. §103(a) as being unpatentable over Mukari and Birgerson in view of Hall. The Applicants respectfully disagree. As discussed above, the cited combination of Mukari and Birgerson does not teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of a mobile phone and independent of activation thereof as recited in amended independent Claim 1. The cited combination of Mukari and Birgerson, therefore, does not teach or suggest each element of amended independent Claim 21 that includes an end user tool that facilitates a transfer of user interface data from an external data source located in a mobile phone production environment to a mobile phone after a manufacturing phase of the mobile phone and independent of activation thereof.

Hall has not been cited to cure the above deficiency of Mukari and Birgerson but to teach an end user tool that facilitates a transfer of user interface data. (*See Examiner's Action*, page 7.) Hall, however, does not teach or suggest an end user tool that facilitates a transfer of user interface data from an external data source located in a mobile phone production environment to a mobile phone after a manufacturing phase of the mobile phone and independent of activation thereof as recited in amended independent Claim 21. On the contrary, Hall discloses a mobile phone user downloads selected applications as desired after activation of the mobile phone and downloading the selected applications away from a production environment (*See column 2, lines 16-29.*) The cited combination of Mukari, Birgerson and Hall, therefore, does not teach or suggest each element of amended independent Claim 21.

Since the cited combination of Mukari, Birgerson and Hall fails to teach or suggest each

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element of independent Claim 21, the cited combination fails to provide a *prima facie* case of obviousness of Claim 21 and Claims dependent thereon. Accordingly, Claims 21-22 are not unpatentable in view of the cited combination of Mukari, Birgersson and Hall. Thus, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance of Claims 21-22.

IV. Rejection of Claims 23-25 under 35 U.S.C. §103

The Examiner has rejected dependent Claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Mukari in view of Birgersson and in further view of: Hall and Halonen for Claims 23-24; and Hughes for Claim 25.

The Examiner has not cited the above patents or publication (references) to cure the above stated deficiency of Mukari and Birgersson but to teach the subject matter of specific dependent claims. Furthermore, the Applicants do not find where the cited references teach or suggest downloading user interface data from an external data source in a production environment after a manufacturing phase of the mobile phone and independent of activation thereof as recited in amended independent Claim 21. Thus, the cited combinations do not teach or suggest each element of independent Claim 21 and Claims dependent thereon.

Since the cited combinations fail to teach or suggest each element of independent Claim 21, the cited combinations do not provide a *prima facie* case of obviousness of Claim 21 and Claims dependent thereon. Accordingly dependent Claims 23-25 are not unpatentable in view of the cited combinations and the Applicants respectfully request the Examiner to withdraw the §103(a) rejection

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and allow issuance thereof.

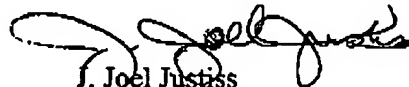
V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-12 and 21-33.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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